

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION - IN ADMIRALTY

CIVIL ACTION NO.: 4:23-CV-00 164-D

In the Matter of:

BRADLEY KLENZ and CARLA
DAVENPORT, Owners of a 2007 32' +/-
World Cat 320 EL, HIN #
EPYEB006L607, NC Registration #
9904 DF, her engines, tackle, apparel,
appurtenances, fittings, etc.

For Exoneration from
or Limitation of Liability

**ENTRY OF DEFAULT AGAINST
NON-APPEARING PARTIES AND
NON-ASSERTED CLAIMS**

THIS CAUSE having come before the undersigned Clerk of Court on
Limitation Plaintiffs' Motion for Entry of Default Against Non-Appearing Parties and
Non-Asserted Claims, pursuant to Rule 55(a) and Supplemental Admiralty Rules
F(4) and F(5) of the Federal Rules of Civil Procedure, and having reviewed the record
herein, the undersigned finds that:

1. On October 24, 2023, Limitation Plaintiffs filed a Verified Complaint for
Exoneration from and/or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501 *et*
seq. and Supplemental Rules for Certain Admiralty and Maritime Claims, Rule F of
the Federal Rules of Civil Procedure, for any injuries, damages or losses of whatever
nature in consequence of or arising out of or connected with the operation of a 2007
32' +/-World Cat 320 EL, HIN # EPYEB006L607, NC Registration # 9904 DF, her

engines, tackle, apparel, appurtenances, fittings, etc. ("Vessel"), during a voyage on April 29, 2023 (the "Voyage").

2. On October 27, 2023, the Court issued an Order Directing Issuance of Notice, and Restraining Prosecution of Claims requiring public notice be given by publication thereof in *The News and Observer*, a newspaper within this District, for four successive weeks [DE 7]. Supplemental Rule F(4) required Limitation Plaintiff to mail, no later than the day of the second publication, a copy of said Notice to every person known to have made a claim against the Vessel or Limitation Plaintiffs arising out of the Voyage on which the claims sought to be limited arose. Supplemental Rule F(4).

3. On October 31, 2023, the Clerk of this Court duly issued a Notice to Claimants of Complaint for Exoneration from or Limitation of Liability [DE 8]. The Notice required all potential claimants to file their claims with the Clerk of this Court, in the United States District Court for the Eastern District of North Carolina, Eastern Division, and serve on Limitation Plaintiffs' attorney, Jason R. Harris, a copy therefore on or before February 16, 2024 or be defaulted. *Id.*

4. The Notice to Claimants was duly given and published in the *The News and Observer* once a week for the four (4) weeks ending December 6, 2023, as required by the Court, and movants mailed copy of the Notice to Claimants of Complaint for Exoneration from or Limitation of Liability to every person known to have made any claim, including all passengers, whether or not a claim was anticipated, against the

Vessel or Limitation Plaintiffs arising out of the Voyage on which the claims sought to be limited arose.

5. Limitation Plaintiffs have complied with all service obligations of Supplemental Rule F and the Orders of this Court.

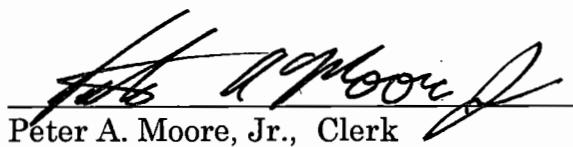
6. The deadline for receipt of claims and answers was February 16, 2024.

7. Two claims were filed in this matter, those of Phillip J. Hinton and Dorothy W. Hinton: Stevenson L. Weeks, from the law firm Wheatly Law Group, gave this Court notice of his appearance as counsel of record for Phillip J. Hinton and Dorothy W. Hinton [DE 12]. Before the expiration of the monitions period, the Answer to Verified Complaint for Exoneration from and/or Limitation of Liability [DE 13] and the Claims of Phillip J. Hinton and Dorothy W. Hinton were filed [DE 14].

8. No other person or party has appeared, filed any claims, or filed any pleadings in this matter.

THEREFORE, default is hereby entered as to all non-appearing parties and non-asserted claims, and the concursus of claimants in this action consists only of Phillip J. Hinton and Dorothy W. Hinton.

This the 18 day of April, 2024.



Peter A. Moore, Jr., Clerk
United States District Court
Eastern District of North Carolina